**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.**

Writ Petition No. 646 (S/S) of 2006

1. Alok Kumar, S/o Sri Dalbeer Singh, R/o Mohalla Bazar, Sahar Jaspur, District – Udham Singh Nagar.
2. Gajendra Singh, S/o Chandrapal Singh, R/o Village - Muraliwala, Post – Jaspur, District – Udham Singh Nagar, posted as Assistant Teacher in Primary Pathshala, District – Udham Singh Nagar.
3. Rajpal Singh, S/o Ram Chandra Singh, R/o Maldhanchur, Ram Nagar (Nainital) posted as Assistant Teacher in Primary School, District – Udham Singh Nagar.

**……Petitioners**

V e r s u s

1. Director of Education and President, U.P. Basic Shiksha Parishad, Allahabad, U.P.
2. State of U.P. through Secretary Education (Basic), U.P., Lucknow.
3. State of Uttaranchal through Secretary Education (Basic), Dehradun, Uttaranchal.
4. Director of Education, (Basic), 2, Subhash Road, Dehradun, Uttaranchal.
5. Additional District Education Officer (Basic), Rudrapur, District – Udham Singh Nagar.

**…….Respondents**

**Hon'ble M.M. Ghildiyal, J.**

Heard Sri S.S. Negi, learned counsel for the petitioners, learned standing counsel for State of Uttar Pradesh on behalf of respondents no. 1 and 2 and learned standing counsel for State of Uttaranchal on behalf of respondents no. 3 to 5.

By means of this writ petition, the petitioners have prayed for following reliefs:

(a) *issue a writ, order, rule or direction in the nature of Mandamus commanding the respondents to promote the petitioners from the post of Assistant Teachers / Teacheress of Primary Schools to the post of Assistant Teachers / Teacheress of Junior High Schools from the dates of their initial appointments on the basis of their seniority in District – Udham Singh Nagar (Annexure no. 2A, 2B) of the writ petition.*

(b) *Issue an ad-interim relief to the petitioners from the respondents during the pendency of this writ petition to promote the petitioner from the posts of Assistant Teachers / Teacheress of Primary Schools to the posts of Assistant Teachers / Teacheress in Junior High School from the dated of their initial appointments on the basis of their seniority in District – Udham Singh Nagar.*

(c) *Issue a suitable writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case;*

(d) *To award the costs of the petition from the respondents to the petitioners.*

The submission of the learned counsel for the petitioners is that petitioners were appointed as Assistant Teacher in Primary School, District – Udham Singh Nagar on 18.11.1996. He has further submitted that persons junior to the petitioners have already been given promotion by the

Additional District Education Officer (Basic), Rudrapur, District – Udham Singh Nagar.

For redressal of their grievance, petitioners have already made a representation before Additional District Education Officer (Basic), Rudrapur, District – Udham Singh Nagar i.e. respondent no. 5, which is Annexure No. 4 to the writ petition and the same is still pending.

During the course of argument learned counsel for the petitioner has confined his prayer that writ petition may be disposed of with a direction to respondent no. 5 to take decision on the representation of the petitioners dated 04.04.2006 (Annexure No. 4 to the writ petition) at the earliest.

The prayer is innocuous. Consequently, I direct the respondent no. 5 to take decision on the representation of the petitioner dated 04.04.2006 within a period of six weeks from the dated of production of certified copy of this order.

With this direction the writ petition is finally disposed of. No order as to costs.

**(M.M. Ghildiyal. J)**

May 12, 2006
SKSharma